

October 21, 2003 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0103

Gary Collins

Matoaca Magisterial District
West line of Hensley Road

REQUEST: Conditional Use to permit a model home in a Residential (R-12) District.

PROPOSED LAND USE:

A model home (sales office) not located within a permanent dwelling is planned. Specifically, the applicant proposes to locate the model home (sales office) within a modular office unit until such time as construction of a permanent dwelling to be used as a model home on the request property is complete. The model home (sales office) would then be temporarily located within the permanent dwelling until the project is complete.

RECOMMENDATION

Recommend approval for the following reasons:

- A. Approval of the modular office unit would be appropriate since use of the structure is proposed temporarily.
- B. The recommended conditions are similar to Ordinance standards for model homes and further ensure the residential character of the surrounding area will be maintained.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

CONDITIONS

1. A temporary model home shall be permitted in a modular unit provided such unit shall be utilized for a maximum of 180 days from the date of approval of this request. At the end of the 180 days, the temporary sales trailer shall be removed and the temporary model home may be located within a permanent dwelling on the property. (P)
2. The model home shall only be used to market the development (Collington Subdivision) in which it is located and shall not be used for the sale of lots or houses outside of the development (Collington Subdivision) in which it is located. (P)
3. The model home shall not be the primary real estate office for the company marketing the development. (P)
4. The model home shall be incidental to construction activity taking place within the development (Collington Subdivision). (P)

GENERAL INFORMATION

Location:

West line of Hensley Road, north of Brandy Crest Drive. Tax ID 726-662-Part of 2430 (Sheet 23).

Existing Zoning:

R-12 with Conditional Use Planned Development

Size:

2.0 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North and West - R-12 with Conditional Use Planned Development; Vacant
South and East - R-25; Single family residential or vacant

UTILITIES

Public Water System:

A sixteen (16) inch water line extends along the northwest side of Hensley Road adjacent to the request site. Plans for extending the public water system to serve Collington Subdivision, Sections One and Two, which includes the site of the future permanent dwelling to be utilized as a model home, have been submitted to the Utilities Department for review. Use of the public water system is required as a condition for zoning (Case 00SN0174, Proffered Condition 2) and will be used to serve the permanent dwelling to be used as a model home.

Public Wastewater System:

There is an existing ten (10) inch wastewater sub-trunk line extending along the eastern branch of Spring Run to serve The Woods at Summerford. Plans for extending the public wastewater system to serve Collington Subdivision, Sections One and Two, which will include the site of the future permanent dwelling to be utilized as a model home, have been submitted to the Utilities Department for review. Use of the public wastewater system is required as a condition for zoning (Case 00SN0174, Proffered Condition 2) and will be used to serve the permanent dwelling to be used as a model home.

Private Water System:

To provide temporary sales office space, a temporary trailer is proposed which will be served by a portable water service until the sales operations can be relocated in a completed permanent dwelling. The Health Department must approve the proposed portable water system.

Private Wastewater System:

To provide temporary sales office space, a temporary trailer is proposed which will be served by a portable wastewater disposal system (port-a-john facilities) until the sales operations can be relocated in a completed permanent dwelling. The Health Department must approve the proposed portable wastewater disposal system.

ENVIRONMENTAL

Drainage and Erosion:

The model home (sales office) will have a minimal impact on these facilities.

PUBLIC FACILITIES

Fire Service and Transportation:

This request will have a minimal impact on these facilities.

LAND USE

General Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.2 units per acre or less.

Area Development Trends:

The request property is part of a proposed development to be known as Collington Subdivision. The Collington development will have a mixture of residential uses, to include single family, condominium and cluster homes along with community recreational uses. Properties to the east of the request site are zoned Residential (R-25) and are occupied by single family dwellings which are part of Brandy Oaks Subdivision or are vacant.

Zoning History:

On February 21, 2001, the Board of Supervisors, although receiving an unfavorable recommendation by the Planning Commission, approved rezoning from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development of 436 acres to permit use and bulk exceptions. The subject of this request is part of Tract C of this mixed use development, known as Collington. Tract C is zoned Residential (R-12) with Conditional Use Planned Development to permit single family residential use.

Current Request:

In residential districts, model homes (sales offices) are permitted provided that, in addition to its permanent use as a dwelling, such homes may be used as a temporary real estate office. In this case, the temporary sales office is proposed to be located first within a modular office unit and then within a permanent dwelling on the request property as permitted by the Ordinance. Since the modular office unit is not a dwelling, sales would not be permitted. This request seeks to permit the temporary sales within this structure. Condition 1 establishes the use of the modular office unit as temporary.

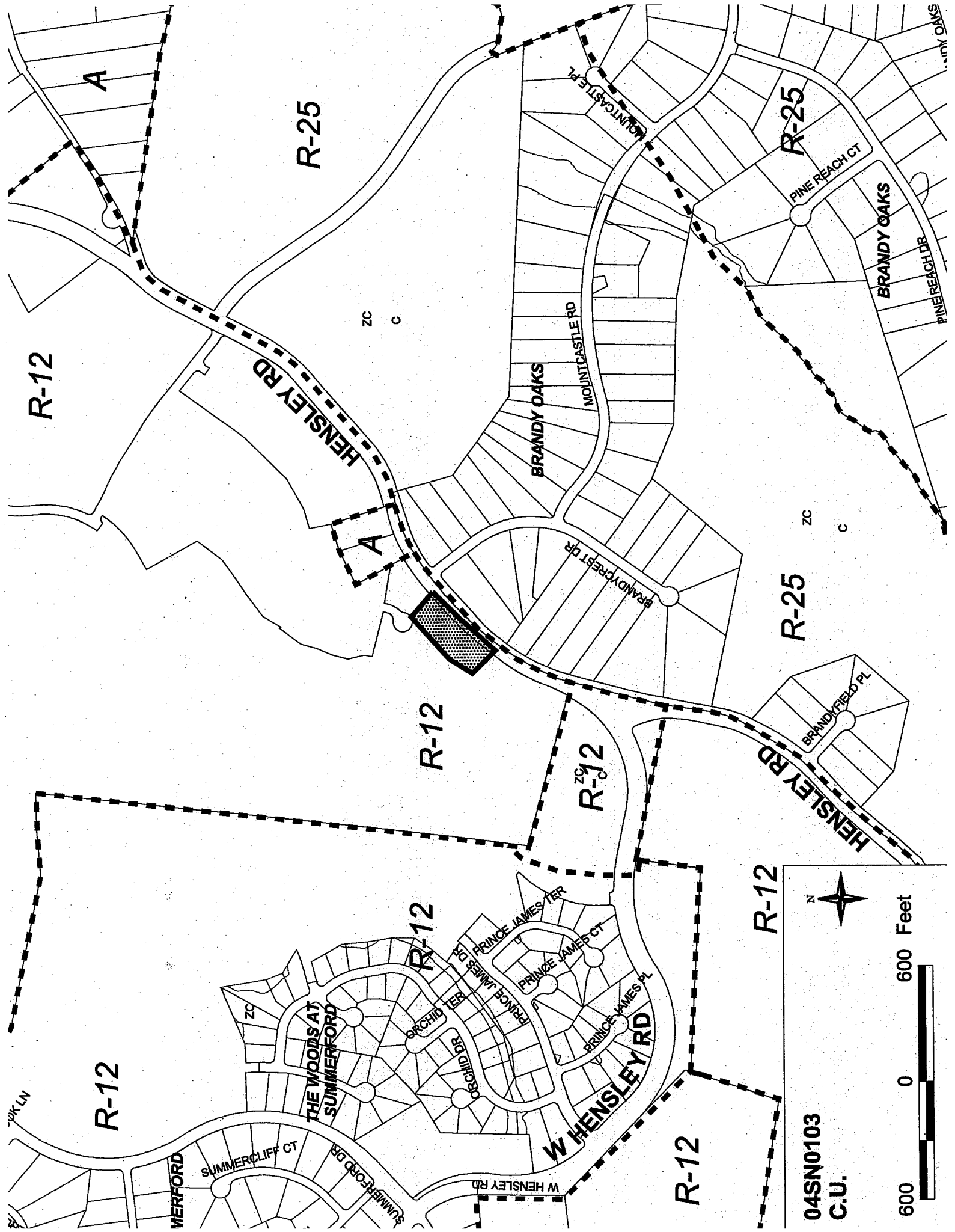
The Zoning Ordinance further permits model homes (sales offices) in a residential district provided that the office only markets property within the development where it is located; the office is incidental to construction activity taking place within the development; the office is not the primary real estate office for the company marketing the development; and the office is not used as a construction office or for the storage of construction equipment

and/or materials. Conditions are recommended herewith to ensure these restrictions of the Ordinance are met in this case. (Conditions 2, 3 and 4)

CONCLUSIONS

While staff would not typically support the location of a modular office unit within a residential area because it fails to be compatible with planned residential dwellings, in this case, approval of the modular office unit would be appropriate since use of the structure is proposed temporarily. The Ordinance permits the location of the model home (sales office) within a permanent dwelling on the property temporarily and therefore would not constitute the permanent location of a sales office in a residential area. The recommended conditions are similar to Ordinance standards for model homes and further ensure the residential character of the surrounding area will be maintained.

Given the foregoing, approval of this request is recommended.



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